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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,859	04/03/2002	Nickolay Vladimirovich Khodov	25065-31	1440
7590	08/25/2004			
John B Hardaway III Nexsen Pruet Jacobs & Pollard PO Box 10107 Greenville, SC 29603			EXAMINER	BELL, BRUCE F
			ART UNIT	PAPER NUMBER
			1746	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

S. L.

Office Action Summary	Application No.	Applicant(s)
	10/089,859	KHODOV, NICKOLAY VLADIMIROVICH
	Examiner	Art Unit
	Bruce F. Bell	1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>08/23/04</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/27/2002</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Debrodt et al (4,849,085).

Debrodt et al disclose an anode made of a frame or support and a porous substrate connected to the frame or support and in which an electrochemically active substances are dispersed. The porous substrate is made of titanium. See abstract. The substrate is disclosed to be 0.2 to 1 mm thick and the porosity is between 20 to 60 vol. % and in particular 30 to 50 vol. %. The substrate can be impregnated with solutions or suspensions which contain electrochemically active substances such as beta manganese dioxide. See col. 3, lines 3-16.

Debrodt et al does not teach the titanium being a thickness of 3 mm or more.

The subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the instant invention was made because even though the prior art of Debrodt et al does not teach the thickness of 3 mm or more, one having ordinary skill in the art would recognize that if a frame or support is being used, that the thickness of the substrate would be thinner and that if the substrate is being used as a stand alone structure, that it would be within the ability of one having ordinary skill in the art to make the substrate thicker so that the structure does not need an external support mechanism. Since the prior art of

Debrodt et al shows a porous structure having the same electrochemically active material being impregnated into the porous structure and at the same time has the same porosity, it would have been obvious to make the substrate thicker to make the anode a stand alone anode, so that no support or frame would be needed.

Therefore, the prior art of Debrodt et al renders the applicant's instant invention as obvious for the reasons cited above.

It is requested that applicant number the claim in this application that was examined and cancel the claim that was discussed in a telephone interview on August 18, 2004.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce F. Bell whose telephone number is 571-272-1296. The examiner can normally be reached on Monday-Friday 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BFB
August 23, 2004

Bruce Bell
Bruce F. Bell
Primary Examiner
Art Unit 1746